

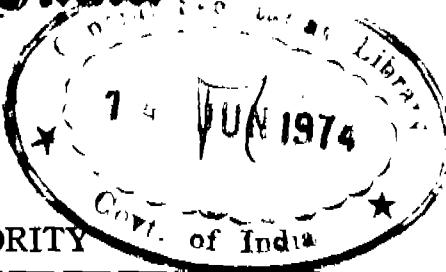
भारत का राजपत्र

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PART II—Section 2

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इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 25th April, 1974:—

Bill No. XII of 1974

A Bill further to amend the Indian Telegraph Act, 1885.

BE it enacted by Parliament in the Twenty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Telegraph (Amendment) Act, 1974.

Short title
and
commence-
ment

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

18 of 1885.

2. In section 7 of the Indian Telegraph Act, 1885 (hereinafter referred to as the principal Act),—

Amend-
ment of
section

(i) in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the charges in respect of any application for providing any telegraph line, appliance or apparatus;”;

(ii) in sub-section (5), for the words “which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following,”, the words “which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid,” shall be substituted.

**Valida-
tion.**

3. The levy and collection of any charges made during the period commencing from the 1st December, 1969 and ending with the commencement of this Act in respect of any application under rule 414 of the Indian Telegraph Rules, 1885 for providing any telegraph line, appliance or apparatus shall be deemed to have been made in accordance with law and accordingly no such levy or collection shall be called in question in any court and no suit or other proceeding shall be maintained in any court for the refund of such charges or for any other relief in relation to such application.

STATEMENT OF OBJECTS AND REASONS

Section 7 of the Indian Telegraph Act, 1885, empowers the Central Government to make rules from time to time consistent with the Act, by notification in the Official Gazette, for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under the Act. Sub-section (2) of this section enumerates the matters for which rules under this section may be made.

2. The Posts and Telegraphs Board decided in November, 1967 that applicants for new telephone connections should be required to register their demand in a standard prescribed form, machine-numbered and issued on payment of Rs. 10 non-refundable. The new forms were introduced on 1st December, 1969. This step was considered necessary for the following reasons:—

- (i) to make the waiting list more realistic to enable correct planning for expansion of the telephone system;
- (ii) to eliminate unnecessary bogus demands for telephone connections;
- (iii) on receipt of the application for a telephone, the Department has to incur some expenditure in the registration of the application, maintaining waiting lists and for the correspondence it has to undertake with applicants regarding position of their cases up to the time the demands mature.

Taking this in view, the Posts and Telegraphs Board considered a charge of Rs. 10 as fair and reasonable to cover the above-mentioned expenditure, in addition to the cost of printing and sale of the form.

3. The Committee on Subordinate Legislation of the Lok Sabha was of the view that there was no express provision in the Indian Telegraph Act, 1885 conferring any power on the Telegraph Authority to levy charge on the application form. It was felt by the Committee that for the levy of the above charge, the Indian Telegraph Act, 1885, should be suitably amended.

4. It is now proposed to amend section 7 of the Act suitably with a view to empowering the Government to make rules for the levy of charges in respect of any application for providing any telegraph line, appliance or apparatus. It is also proposed to validate the charges already levied during the period commencing from 1st December, 1969 and ending with the commencement of the proposed amendment Act.

5. The Bill seeks to achieve the above objectives.

NEW DELHI,
The 11th March, 1974.

K. BRAHMANANDA REDDY.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to amend sub-section (2) of section 7 of the Indian Telegraph Act, 1885, with a view to empowering the Central Government to make rules for the charges in respect of any application for providing any telegraph line, appliance or apparatus. The matter with respect to which rules may be made for the aforesaid purpose is a matter of detail. The delegation of legislative power is, therefore, of a normal character.

B. N. BANERJEE,
Secretary-General.